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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,053	10/21/2003	Robert H. Folk II	D03085	3498

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EXAMINER

POWERS, WILLIAM S

ART UNIT	PAPER NUMBER
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2134

DATE MAILED: 12/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/690,053

Applicant(s)

FOLK, ROBERT H.

Examiner

William S. Powers

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 October 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claim 9, the claim does not further limit parent claim 8. Claim 8 claims "a network of hard disk recorders" (claim 8, line 3). Explicitly, the network is made up of a plurality of hard disk recorders since the term "hard disk recorders" is in plural form.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application 2002/0141732 to Reese et al. (hereinafter Reese) in view of US Patent Application No. 2003/0095791 to Barton et al. (hereinafter Barton).

As to claim 1, Reese teaches:

- a. Receiving a request to view content on a first hard disk recorder (Reese, paragraph 21).
- b. Determining the requested content resides on a second hard disk recorder (Reese, paragraph 20).

Reese decodes video content (Reese, paragraph 12), but does not expressly mention the encryption schemes. However, in an analogous art, Barton teaches:

- c. Decrypting the requested content via a local encryption scheme (Barton, paragraph 80).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the networked DVRs of Reese with the

encryption scheme of Barton in order to protect video content from theft as suggested by Barton (Barton, paragraph 79).

Reese as modified further teaches:

- d. Displaying the requested content on a display device coupled to the first hard disk recorder (Reese, paragraph 20).

As to claim 2, Reese as modified teaches storing the requested content within a memory located within the first hard disk recorder (Reese, paragraph 13).

As to claim 3, Reese as modified teaches remotely accessing the requested content on the first hard disk recorder (master DVR can remotely control the slave DVRs) (Reese, paragraph 12).

4. Claims 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application 2002/0141732 to Reese et al. (hereinafter Reese) in view of US Patent Application No. 2003/0095791 to Barton et al. (hereinafter Barton) in further view of US Patent Application No. 2003/0051151 to Asano et al. (hereinafter Asano).

As to claim 4, Reese as modified teaches:

- a. Receiving content on a first hard disk recorder from a content source (Reese, paragraph 20-21).

Reese decodes video content (Reese, paragraph 12), but does not expressly mention the encryption schemes. However, in an analogous art, Barton teaches:

- b. Decrypting the content (Barton, paragraph 80).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the networked DVRs of Reese with the encryption scheme of Barton in order to protect video content from theft as suggested by Barton (Barton, paragraph 79).

Reese as modified does not expressly mention re-encrypting received content. However, in an analogous art, Asano teaches:

- c. Re-encrypting the content utilizing a local encryption scheme (Asano, paragraph 15).

Therefore, it would have been obvious to implement the networked DVRs of Reese as modified with the re-encryption of received content of Asano in order to protect the license of the received content from being misused as suggested by Asano (Asano, paragraph 15).

Reese as modified further teaches:

- d. Storing the content in a shared memory (Reese, paragraph 13).

As to claim 5, Reese as modified teaches decrypting the content utilizing decryption keys received from the content source (certificate exchange) (Barton, paragraph 80).

As to claim 6, Reese as modified teaches storing the content in a shared memory located within the first hard disk recorder (Reese, paragraph 18).

As to claim 7, Reese as modified teaches storing the content in a shared memory located within a second hard disk recorder (Reese, paragraph 18).

5. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application 2002/0141732 to Reese et al. (hereinafter Reese) in view of US Patent No. 6,760,538 to Bumgardner et al. (hereinafter Bumgardner).

As to claim 8, Reese teaches:

- a. A network of hard disk recorders (Reese, paragraph 12).

Reese uses Philips DVRs as an example (Reese, paragraph 14), but does not expressly mention the presence of tuner with the DVRs. However, in an analogous art Bumgardner teaches:

- b. A first hard disk recorder, said first hard disk recorder comprising one of more tuners (Bumgardner, column 9, lines 21-23).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the networked DVRs of Reese with the DVR that has a plurality of tuners in order to simultaneously record multiple programs as suggested by Bumgardner (Bumgardner, column 2, lines 4-8).

Reese as modified teaches:

- c. Second hard disk recorder, said second hard disk recorder comprising one or more tuners (Bumgardner, column 9, lines 21-23).
- d. A communications gateway coupling the first hard disk recorder to the second hard disk recorder (Reese, paragraph 12).
- e. An input from a content source (Reese, paragraph 12).
- f. Program module (master DVRC) (Reese, paragraph 12).
- g. Determine the location of requested content on the network of hard disk recorders (Reese, paragraph 20).
- h. Allocate tuning resources requested by a first hard disk recorder on the network of hard disk recorders (Bumgardner, column 5, lines 6-63).

Reese decodes video content (Reese, paragraph 12), but does not expressly mention the encryption schemes. However, in an analogous art, Barton teaches:

- i. Allocate encryption resources requested by a first hard disk recorder on the network of hard disk recorders (Barton, paragraph 80).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the networked DVRs of Reese with the encryption scheme of Barton in order to protect video content from theft as suggested by Barton (Barton, paragraph 79).

As to claim 9, Reese as modified teaches said network of hard disk recorders comprises a plurality of hard disk recorders (Reese, paragraph 12).



***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

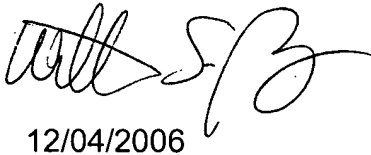
"The Personal Video Recorder: Home or Network function?", by Mies et al., for Residential Gateway Environment, Internet publication, June 2003.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William S. Powers whose telephone number is 751 272 8573. The examiner can normally be reached on m-f 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571 272 3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

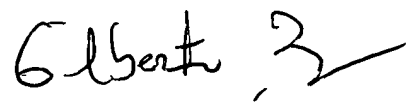
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



12/04/2006

William S. Powers  
Examiner  
Art Unit 2134



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